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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,566	11/14/2003	Robert Field	1721.004US1	1775
21186	7590	08/10/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,566

Applicant(s)

FIELD ET AL.

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon U.S. Patent 6,558,264 in view of Blair et al U.S. Patent 5,462,505.

Gordon disclosed an apparatus comprising a first inflatable section (62, 65, 68, 71, and 74) having an interior; a second inflatable section (41) attached to the first section and having an interior that is separated from the interior of the first section via baffles (47); a third inflatable section (59) attached to the second side of the first section and having an interior that is separated from the interior of the first section via baffles (50); the first inflatable section includes a top surface (86) defining a slide as shown in Fig. 1; the second section includes a lower surface resting on a ground surface and a side surface attached at least half-way up a side of the first section; a third inflatable section (38) attached to the first section and Fig. 5 shows the third section does not have direct communication with air flow; and a valve (75) for introducing air into the apparatus. It is noted that Gordon failed to teach holes between the seams of the first and sections to restrict the airflow between the sections if the airflow is stopped the second section will not deflate as fast as the first section and a blower as set forth in these claims. However, Blair et al, in Figs 3 and 4, teach an inflatable amusement device comprising a plurality of inflatable members connected together, a blower (34)

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running continually, and a plurality of valves or holes (102) between the seams of the inflatable members for preventing all of the air from members from escaping.

Therefore, it would have been obvious to provide the apparatus of Gordon with the blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.

Regarding claims 6-10, 14-16; it is noted that Gordon failed to specifically teach the dimension of the slide as set forth therein. However, Gordon disclosed that the inflatable wedge may be used by adults (see abstract). Accordingly, it would have been a matter of design choice to manufacture the slide of Gordon with any desired dimension for the purpose of accommodating different types of user as set forth in the abstract.

Regarding claims 20-23, the above explanation would constitute the recited steps as set forth in these claims.

Response to Arguments

In response to applicant's argument that the claimed invention includes a "continually running blower", such limitation is merely an intended use of the blower. A continually runner blower does mean it's running 24/7. It has to stop at some point for any reason. At a period of the blower of Gordon, it is considered at that time the blower is continually running. Accordingly, such argument is not persuasive.

Regarding applicant's argument concerning the limitation "an inflatable structure of a type that constantly leaks air", claim 11 does not further recite any specific structural feature of the inflatable structure. Although the inflatable structure of Gordon

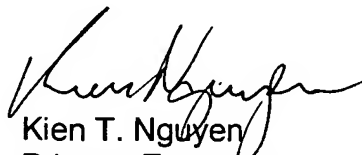
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is capable of being constantly leaking air by thermal expansion and contraction. There is nothing in the limitation "an inflatable structure of a type that constantly leaks air" that limit how long and how much the air is leaking out of the structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kien T. Nguyen
Primary Examiner
Art Unit 3714

Ktn